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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/171,236 07/13/99 HAGA

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EXAMINER

WM01/0831

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ART UNIT

PAPER NUMBER

2672

DATE MAILED:

08/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/171,236

Applicant(s)

HAGA ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-24 and 26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 19. 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to communications: application, filed on 07/13/1999; IDS, paper #4, filed on 02/04/1999; IDS, paper #7, filed on 11/01/1999; IDS, paper #10, filed on 09/06/2000; Amendment A, filed on 06/05/2001; IDS, paper # 18, filed on 06/13/2001.
2. Claims 15-24 and 26-36 are pending in this application. Claims 15, 16 and 26 have been amended. Claims 35 and 36 have been added.
3. The present title of the application is "Device and Method for Image Processing" (as originally filed).

Continued Prosecution Application

4. The request filed on 06/05/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/171,236 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 16-24 and 27-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Asai et al., U.S. Patent Number 5,779,548, "Game Apparatus and Method of Replaying Game", class 463/31, 07/14/1998.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

7. Claims 16-24 and 27-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Asai et al., U.S. Patent Number 5,779,548, "Game Apparatus and Method of Replaying Game", class 463/31, 07/14/1998.

As per independent claim 16, it is rejected based upon similar rational as above independent claim 15.

As per independent claim 17, "an image processing method . . . characterized by comprising: polygons situated on a reference plan . . . ; determination means for determining the positional relationship . . . and polygon tilting means for tilting said polygons . . . Asai et al. discloses in col. 12, lines 1-24.

With respect to dependent claim 18, ". . . reference plane is the ground, and said polygons are polygons forming lines situated on said ground." Asai et al. discloses in Figure 13A.

With respect to dependent claim 19, "... polygons are quadrilateral, and said polygon tilting means modifies the coordinate values of the vertices on one of the sides of mutually facing sides ... Asai et al. discloses in col. 12, lines 8-24.

As per independent claim 20, "an image processing device ... characterized by comprising: determination means for determining whether or not said objects are in a specific area ... and camera angle adjusting means for adjusting the angle of said virtual camera based on the results ... Asai et al. discloses in col. 9, lines 42-55.

With respect to dependent claim 21, "... camera angle adjusting means adjusts the angle of said virtual camera based on the results ... Asai et al. discloses in col. 9, lines 51-55.

With respect to dependent claim 22, "... camera adjusting means adjusts the angle of said virtual camera in at least one of either the lateral and vertical directions ... Asai et al. discloses in col. 14, lines 47-60.

As per independent claim 23, "an image processing device ... comprising: determination means for determining whether or not said objects are in a specific area ... and zoom adjusting means for adjusting the range of the field of vision ... Asai et al. discloses in col. 14, lines 61-67.

As per independent claim 24, "an image processing device ... comprises: angle computing means for computing the angle between an eye direction vector showing the direction in which said virtual camera is facing an a normal line vector ... and polygon tilting means for changing the coordinate values of the vertices of said polygons ... Asai et al. discloses in col. 9, lines 42-55.

As per independent claim 27, it is rejected based upon similar rational as above independent claim 17.

As per independent claim 28, it is rejected based upon similar rational as above independent claim 17.

With respect to dependent claim 29, "a game machine . . . for executing a game by situating objects in said virtual three-dimensional space and by controlling objects . . . Asai et al. discloses in col. 9, lines 62-67.

With respect to dependent claim 30, ". . . game is a game in which objects are situated in a game field formed on a reference plane . . . Asai et al. discloses in Figure 14.

As per independent claim 31, it is rejected based upon similar rational as above independent claim 17.

With respect to dependent claim 32, ". . . polygons are polygons that show lines." Asai et al. discloses in col. 12, lines 1-15.

With respect to dependent claim 33, situating objects in said virtual three-dimensional space and by controlling said objects . . . Asai et al. discloses in col. 9, lines 62-67.

With respect to dependent claim 34, ". . . polygons are polygons forming lines described on said plane." Asai et al. discloses in col. 12, lines 13-15.

As per independent claim 35, it is rejected based upon similar rational as above independent claim 28.

With respect to dependent claim 36, ". . . changing means for changing the position of a polygon to enlarge an area of said polygon which is seen from a virtual camera." Asai discloses in col. 7, lines 38-50.

Response to Arguments

8. Applicant's arguments filed 06/05/2001 have been fully considered but they are not persuasive.

Applicant argues that Asai et al. is not a proper reference and that the present invention and Asai were commonly owned. Laws for patentability, MPEP Appendices, Chapter 10, section II, states that in a 102 (e) rejection "the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by applicant for patent, or . . ." Thus qualifying Asai as proper prior art reference.

Application that are commonly owned are no longer rejected under 35 USC 103 which states "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, **owned by the same person or subject** to an obligation of assignment to the same person."

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 2672

Washington, DC 20231

or faxed to:

(703)-308-9051 (**formal** communications intended for entry),

Or:

(703)-305-9724 (**informal** communications labeled **PROPOSED** or **DRAFT**).

Hand-delivered responses should be brought to:


Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington, VA.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson, whose telephone number is (703)-305-3939 and can normally be reached Monday- Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi, can be reached at (703)-305-4713.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-4700.

Motilewa Good-Johnson
Patent Examiner
Art Unit 2672


JEFFERY BRIER
PRIMARY EXAMINER